

Message Text

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INFO AMEMBASSY CAIRO IMMEDIATE
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S E C R E T SECTION 1 OF 4 JERUSALEM 617

EXDIS (HANDLE AS NODIS)

FROM ATHERTON

US DEL NO 49

E.O. 11652: NA
TAGS: PGOV XF US
SUBJ: MEETING WITH DAYAN -- MARCH 2

SUMMARY: WE MET WITH DAYAN AND HIS COLLEAGUES
THIS MORNING FOR ABOUT AN HOUR. I WENT OVER IN
DETAIL WITH THEM MY PREVIOUS DAY'S TALK WITH KAMEL
ON THE DECLARATION OF PRINCIPLES, POINTING OUT THAT
I HAD GOTTEN A BETTER FEEL FOR WHAT THE EGYPTIANS REGARD
AS MORE OR LESS IMPORTANT. I SAID EGYPTIANS HAD CLUNG
TENACIOUSLY TO LANGUAGE IN THE WITHDRAWAL PARAGRAPH ON THE
INADMISSIBILITY OF THE ACQUISITION OF TERRITORIES BY WAR
AND HAD ALSO MADE CLEAR THEY ATTACH GREAT IMPORTANCE TO
USE OF "IN ALL ITS PARTS" IN REFERENCE TO 242; NOTED IT
WAS HARD FOR ME TO MAKE A CASE AGAINST LATTER,
PARTICULARLY SINCE THE ISRAELIS HAD USED THE PHRASE
"IN ALL ITS PARTS" IN THEIR ACCEPTANCE OF RENEWAL OF
JARRING MISSION IN 1970. I NOTED EGYPTIANS HAD BEEN
SOMEWHAT SOFTER ON A FEW OTHER POINTS AND MIGHT BE READY

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TO CONCEDE THEM OR COMPROMISE ON THEM, BUT NOT ON PALESTINIAN
PARAGRAPH. THEY SAW THE PRESIDENT'S ASWAN LANGUAGE
AS A MINIMUM AND KAMEL HAD BEEN UNWILLING TO AGREE TO
MODIFICATIONS. DAYAN SAID HE WOULD LIKE TO HAVE A
DEFINITION FROM THE EGYPTIANS OF WHAT THEY MEAN BY THE
PHRASE "LEGITIMATE RIGHTS". HE ADDED THE DISCLAIMER
THAT HE, OF COURSE, DID NOT ACCEPT THE TERM BUT WAS

INTERESTED TO KNOW WHAT WAS INTENDED BY IT. I SAID I WOULD POSE THE QUESTION. I ALSO BRIEFED DAYAN ON EGYPTIAN REACTION TO LAST SUNDAY'S ISRAELI CABINET DECISION ON SETTLEMENTS. I NOTED THAT I HAD TRIED -- APPARENTLY UNSUCCESSFULLY -- TO PUT IT IN PERSPECTIVE, BUT ISSUE IS A VERY EMOTIONAL ONE FOR EGYPTIANS. END SUMMARY.

1. PRESENT AT MEETING ON ISRAELI SIDE, IN ADDITION TO DAYAN, WERE ATTORNEY GENERAL BARAK, LAVIE, ROSENNE AND RUBEN-STEIN. IN ATTENDANCE ON OUR SIDE WERE LEWIS, MYSELF, STERNER AND KORN. BEFORE THE MEETING BEGAN I SPOKE BRIEFLY WITH DAYAN IN PRIVATE AND TOLD HIM THAT I WOULD BE DELIVERING A LETTER TO BEGIN FROM SADAT DURING MY MEETING AT NOON WITH THE PRIME MINISTER.

2. I EXPLAINED THAT I HAD HAD TWO MEETING S WITH FOREIGN MINISTER KAMEL IN CAIRO AND I HAD FLOWN TO ISMAILIYA ON WEDNESDAY AFTERNOON TO MEET WITH SADAT. I HAD FOUND SADAT IN A MUCH BETTER MOOD THIS TIME THAN DURING MY PREVIOUS VISIT. HE WAS COMPLETELY RECOVERED FROM HIS COLD AND HAD JUST RETURNED FROM PORT SAID WHERE HEE HAD MADE A SPEECH INAUGURATING A DEVELOPMENT PROJECT. I NOTED THAT FOREIGN MINISTER KAMEL, AFTER AN UNCERTAIN START, SEEMS TO BE DOING A VERY GOOD JOB AND IS EVIDENTLY QUITE CLOSE TO PRESIDENT SADAT. DAYAN REMARKED "SOME FOREIGN MINISTERS HAVE ALL THE LUCK."

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3. I TOLD DAYAN THAT I HAD HAD A THOROUGH DISCUSSION OF DECLARATION OF PRINCIPLES WITH KAMEL. FROM TIME-TO-TIME KAMEL WENT OFF ON DETOURS WHICH CLEARLY REFLECTED HIS PERSONAL SENSE OF FRUSTRATION OVER WHAT HE CALLS ISRAEL'S "NEGATIVE APPROACH" TO THE DECLARATION. THEN HE WOULD RETURN TO SPECIFICS OF THE DECLARATION. WHILE I DID NOT GET COUNTER-PROPOSALS FROM KAMEL, BUT ONLY ORAL REACTIONSN I DID HAVE THE IMPRESSION AT THE END OF OUR TALKS THAT HE DOES NOT HAVE A CLOSED MIND REGARDING POSSIBLE MODIFICATIONS. I ADDED THAT KAMEL AND I HAD ONLY A BRIEF DISCUSSION REGARDING A POSSIBLE RECONVENING OF THE POLITICAL COMMITTEE. I HAD EXPLAINED TO KAMEL PRIME MINISTER BEGIN'S FEELING CONCERNING THE LACK OF SYMMETRY BETWEEN THE STATUS OF THE MILITARY AND POLITICAL COMMITTEES AND HAD MENTIONED BEGIN'S PROPOSAL OF BEERSHEVA AND ISMAILIYA AS SITES. I SAID KAMEL SHOWED NO ENTHUSIASM FOR THIS IDEA. DAYAN ASKED IF KAMEL WANTS THE POLITICAL COMMITTEE TO MEET ELSEWHERE. I SAID KAMEL HAD BEEN QUITE EXPLICIT ABOUT NOT WANTING TO RECONVENE THE POLITICAL COMMITTEE BEFORE A DECLARATION OF

PRINCIPLES IS ACHIEVED. DAYAN REMARKED (WITHOUT ELABORATION) "WHICH WILL BE DONE IN WASHINGTON." I SAID SADAT TAKES A SOMEWHAT DIFFERENT APPROACH TO THIS PROBLEM. HE DOESN'T SAY NO, BUT HE FEELS THAT IF THE POLITICAL COMMITTEE IS TO BE RECONVENED IT SHOULD BE ON THE UNDERSTANDING THAT PROGRESS WILL BE MADE.

4. I SAID WE HAD GIVEN THE EGYPTIANS THE NEW ISRAELI DRAFT (TEXT B). LEAVING THE PALESTINIAN PARAGRAPH ASIDE, I THOUGHT WE NOW HAD A BETTER IDEA OF THE RELATIVE ORDER OF IMPORTANCE THAT THE EGYPTIANS ATTACH TO LANGUAGE NOT YET AGREED. I THEN REVIEWED OUR

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EXDIS (HANDLE AS NODIS)

DISCUSSION IN CAIRO ON THE ISRAELI DRAFT, NOTING THAT THE EGYPTIANS HAD NOT OBJECTED TO THE ISRAELIS MOVING PARAGRAPH FOUR ON WITHDRAWAL AND BOUNDARIES UP TO THREE. I COULDN'T SAY WHETHER OR NOT THEY WOULD LATER RAISE THIS, BUT MY IMPRESSION WAS THEY DID NOT CONSIDER IT A PROBLEM, AND I TOLD THEM THAT I THOUGHT THERE WAS LOGIC TO THE MOVE. I SAID THEY EGYPTIANS HAVE NOT ARGUED STRONGLY AGAINST UNITING WITHDRAWAL AND SECURE AND RECOGNIZED BOUNDARIES IN A SINGLE PARAGRAPH, AS THE ISRAELIS HAD DONE IN THEIR NEW PARAGRAPH THREE. HOWEVER, I THOUGHT THEY MIGHT COME BACK WITH A PROPOSAL THAT THESE TWO POINTS BE PRESENTED IN SUB-PARAGRAPHS. BARAK INDICATED THAT WOULD BE NO PROBLEM; HE SAID ISRAEL HAD DONE IT THAT WAY IN ONE OF ITS PREVIOUS DRAFTS.

5. I SAID THE EGYPTIANS HAD ARGUED VERY STRONGLY AGAINST ELIMINATING THE REFERENCE TO THE INADMISSIBILITY OF THE ACQUISITION OF TERRITORIES BY WAR IN THE EGYPTIAN DRAFT. I SAID THAT I HAD PRESENTED THE ISRAELI POINT OF VIEW ON THIS AND USED ALL OF ISRAEL'S ARGUMENTS, BUT I DID NOT THINK I HAD SUCCEEDED

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IN SWAYING THE EGYPTIANS. I HAD POINTED OUT THAT ISRAEL SAYS THIS LANGUAGE WOULD MEAN WITHDRAWING TO THE JUNE 1967 LINES. THE EGYPTIANS HAD DENIED THIS, SAYING THE INADMISSIBILITY LANGUAGE BARS ONLY UNILATERAL CHANGES. THEY AGREED THERE WOULD HAVE TO BE MODIFICATIONS IN THE WEST BANK LINES BUT SAY THESE CAN ONLY COME AS A RESULT OF MUTUAL AGREEMENT. I SAID THE EGYPTIANS HAD ANSWERED THE ISRAELI ARGUMENT ABOUT INADMISSIBILITY LANGUAGE APPLYING ONLY TO WARS OF AGGRESSION BY SAYING THAT IT APPLIES TO ALL WARS WITHOUT DISTINCTION. IN SUM, THE EGYPTIANS STILL STRONGLY INSIST ON THE INCLUSION OF THE INADMISSIBILITY LANGUAGE, AND THEREFORE THIS IS LIKELY TO BE MORE THAN A MINOR PROBLEM. DAYAN SAID "WHEN THEY SPEAK OF MODIFICATIONS BY MUTUAL AGREEMENT, ARE THEY TALKING ABOUT ONLY THE WEST BANK OR DO THEY MEAN SINAI AS WELL?" I SAID ONLY THE WEST BANK, EGYPT TAKES THE POSITION THAT THERE CANNOT BE MODIFICATIONS WHERE THERE WAS A PREVIOUSLY RECOGNIZED BOUNDARY. I SAID THAT I HAD POINTED OUT THAT ISRAEL'S NEW PARAGRAPH THREE BEGINS WITH A STATEMENT THAT WITHDRAWAL AND SECURE AND RECOGNIZED BOUNDARIES WOULD BE ON THE BASIS OF THE PRINCIPLES OF RESOLUTION 242. I HAD STRESSED THAT THIS WAS A POSITIVE FORMULATION AND IN MY OPINION A GOOD WAY FOR DEALING WITH THE PROBLEM OF THE INADMISSIBILITY CLAUSE.

6. REGARDING PARAGRAPH TWO, ROSENNE ASKED IF THE EGYPTIANS WERE READY TO AGREE TO THE PHRASE "ON THE BASIS OF ALL THE PRINCIPLES" OF RESOLUTION 242. I SAID NO, THEY CONTINUE TO WANT THE PHRASE "242 IN ALL ITS PARTS." I SAID THE EGYPTIANS

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STILL PREFER PHRASE "ON THE BASIS OF THE IMPLEMENTATION" OF 242 BUT DO NOT HOLD STRONGLY TO IT. THEY APPEAR

READY TO COMPROMISE ON THIS, POSSIBLY BY USING THE WORD "FULFILLMENT" INSTEAD OF "IMPLEMENTATION" AS IN OUR JANUARY 20 DRAFT. BUT THEY FEEL STRONGLY ABOUT "IN ALL ITS PARTS." IN THIS REGARD I SAID I HAD TO COMMENT THAT THE PHRASE "IN ALL ITS PARTS" HAD BEEN USED SO OFTEN THAT I FOUND IT HARD TO MAKE A CASE AGAINST IT. THIS FORMULA HAD BEEN USED BY THE ISRAELI GOVERNMENT ITSELF IN 1970 IN ITS ACCEPTANCE OF THE JARRING MISSION. (THIS REMARK WENT ACROSS WITHOUT ANY WORD OF QUESTION OR PROTEST FROM THE ISRAELIS.) I NOTED THAT THE EGYPTIANS HAD NOT EXPRESSED ANY OBJECTION TO THE REORDERING OF PARAGRAPH TWO SO AS TO MENTION RESOLUTION 338 FIRST AND RESOLUTION 242 AT THE END. THEY SEEMED TO ACKNOWLEDGE THE LOGIC OF THIS.

7. I SAID REGARDING THE PALESTINIAN LANGUAGE, WHICHIN THE LATEST ISRAELI DRAFT IS PARAGRAPHS FOUR AND FIVE, I HAD PROBED TO SEE WHETHER THE EGYPTIANS MIGHT ACCEPT SOME MODIFICATION OF THE PRESIDENT'S ASWAN LANGUAGE. I RAN INTO STIFF RESISTENCE. THEY FELT THAT THE ASWAN TEXT WAS ALREADY WATERED-DOWN FROM WHAT THEY NEEDED ON THE PALESTINIAN ISSUE AND EVEN IN ITS PRESENT FORM WOULD CAUSE THEM PROBLEMS WITH THE OTHER ARABS. KAMEL HAD POINTED OUT THAT IF EGYPT ACCEPTS THE ASWAN LANGUAGE IT WILL BE CRITICIZED BY THE OTHER ARABS FOR COMPROMISING THE PRINCIPLE OF PALESTINIAN SELF-DETERMINATION. I SAID I NONETHELESS THOUGHT THAT IN THE END THE EGYPTIANS WOULD ACCEPT THE ASWAN FORMULA.

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EXDIS (HANDLE AS NODIS)

DAYAN ASKED WHAT THE ASWAN LANGUAGE WAS AND I READ HIM THE PALESTINIAN PARAGRAPH THEREFROM. "YOU THINK THEY EVENTUALLY MIGHT AGREE TO THAT?" DAYAN ASKED. I SAID I THOUGHT THEY WOULD. DAYAN ASKED IF THE EGYPTIANS WOULD INSIST ON A SEPARATE SENTENCE CONCERNING TALKS OR WOULD AGREE TO JOIN THE LANGUAGE ON "DETERMINATION OF THEIR FUTURE" WITH THAT ON TALKS. I SAID I DID NOT THINK THE EGYPTIANS WOULD INSIST ON THE THE TWO POINTS BEING IN SEPARATE SENTENCES. DAYAN ASKED WHAT THE MAIN ELEMENTS OF THE ASWAN LANGUAGE WERE. I SAID I SAW THREE POINTS:

(A) A JUST SOLUTION OF THE PALESTINIAN PEOPLE IN ALL ITS ASPECTS;

(B) LEGITIMATE RIGHTS; AND

(C) PARTICIPATION IN THE DETERMINATION OF THEIR OWN FUTURE.

I POINTED OUT THAT THE LATTER TWO ARE IN FACT SUBORDINATE POINTS FLOWING FROM THE FIRST POINT. DAYAN ASKED
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WHAT ARE THE LEGITIMATE RIGHTS OF THE PALESTINIANS? WHAT DO THEY MEAN BY THAT? I SAID I COULD NOT GIVE A PRECISE DEFINITION BUT MY IMPRESSION WAS THAT WHEN THE ARABS USE THIS PHRASE THEY MEAN NOT ONLY THE FUTURE OF THE WEST BANK AND GAZA, BUT THE PALESTINIANS ELSEWHERE AND THE REFUGEE QUESTION. DAYAN SAID HE WAS NOT SURE BEGIN WOULD SUPPORT HIM ON THIS BUT HE WOULD LIKE TO KNOW PRECISELY WHAT THE EGYPTIANS HAVE IN MIND WHEN THEY SAY LEGITIMATE RIGHTS AND WHETHER THEY INCLUDE THE REFUGEE QUESTION IN THIS. DAYAN QUICKLY ADDED THAT, OF COURSE, HE DID NOT AGREE TO THE USE OF THE WORD "LEGITIMATE RIGHTS" BUT HE WOULD STILL LIKE TO KNOW WHAT THE EGYPTIANS MEAN BY IT. I SAID I WOULD BE GLAD TO SEEK A DEFINITION IF DAYAN SO DESIRED. I EXPLAINED THAT THEY EGYPTIANS POINTED OUT THAT THEY USED TO INSIST ON "LEGITIMATE NATIONAL RIGHTS" AND ALSO ON "INALIENABLE RIGHTS," BUT THEY NO LONGER USE THESE TERMS. THEY SAY THEY USE "LEGITIMATE RIGHTS" IN THE CONTEXT OF THEIR RECOGNITION OF ISRAEL'S SOVEREIGNTY AND, THEREFORE, THE TERM DOES NOT MEAN THAT THEY CONTEST ISRAEL'S SOVEREIGNTY OR TERRITORY. AMBASSADOR LEWIS POINTED OUT THAT THE

PRESIDENT HAS ALWAYS MADE CLEAR THAT DEFINITION OF THE LEGITIMATE RIGHTS OF THE PALESTINIANS WOULD HAVE TO BE DETERMINED THROUGH NEGOTIATIONS.

8. BARAK SAID LEGITIMATE RIGHTS COULD ALSO MEAN SELF-DETERMINATION AND HE ASKED IF THE EGYPTIANS NO LONGER MEANT THE TERM TO INCLUDE SELF-DETERMINATION. I SAID MY INTERPRETATION IS THAT IF THEY ACCEPT ASWAN LANGUAGE, THIS WOULD LIMIT SELF-DETERMINATION.

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BARAK ASKED IF THE TALKS BETWEEN THE PARTIES IN THE PALESTINIAN PARAGRAPHS COULD ALSO COVER THE QUESTION OF THE DEFINITION OF LEGITIMATE RIGHTS. DAYAN SAID IF WE REALLY WANT TO HAVE SERIOUS NEGOTIATIONS AND COME TO AGREEMENT, HE SAW NO POINT IN TRYING TO BE VAGUE; IT IS BEST TO GET DEFINITIONS. "FOR MY OWN PART," DAYAN SAID, "I WOULD NOT AGREE TO COMBINING ALL THESE SUBJECTS, AND HAVING THEM DISCUSSED IN THE TALKS." DAYAN POINTED OUT THAT IN THE OCTOBER WORKING PAPER THE REFUGEE QUESTION WAS MADE THE SUBJECT OF A SEPARATE PARAGRAPH. HE FELT THAT IN THE NEGOTIATIONS, THE REFUGEE PROBLEM WOULD HAVE TO BE DEALT WITH IN SEPARATE TALKS. DAYAN REITERATED THAT WE SHOULD BE CLEAR ABOUT WHAT IS MEANT BY LEGITIMATE RIGHTS - "SPELL IT OUT." "BUT," DAYAN REPEATED, "THIS IS JUST AN INQUIRY." HE WANTED TO STRESS THAT ISRAEL DID NOT ACCEPT THE TERM "LEGITIMATE RIGHTS."

9. I SAID I WOULD SEE IF WE COULD GET A MORE PRECISE DEFINITION. MY PRELIMINARY IMPRESSION WAS THAT THE EGYPTIANS HAVE TWO PURPOSES IN INSISTING ON USING THE PHRASE "LEGITIMATE RIGHTS." FIRST, THEY ARE CONCERNED ABOUT THE REACTION IN THE ARAB WORLD TO THE LANGUAGE OF THE PALESTINIAN PARAGRAPH AND WANT THE TERM "LEGITIMATE RIGHTS" FOR ITS PRESENTATIONAL VALUE. SECOND, HOWEVER, THEY RECOGNIZE THAT AS A PRACTICAL MATTER ISRAEL WILL HAVE TO BE A PARTY TO THE NEGOTIATIONS AND WILL HAVE A SAY IN THE DEFINITION OF WHAT LEGITIMATE RIGHTS WILL MEAN IN PRACTICE.

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EXDIS (HANDLE AS NODIS)

10. WITH REGARD TO PARAGRAPH SIX OF THE LATEST ISRAELI DRAFT, I SAID THAT THE EGYPTIANS HAD NOT RAISED ANY OBJECTION TO ISRAEL'S REQUEST TO ADD THE PHRASE "THROUGH THE CONCLUSION OF PEACE TREATIES" AT THE END. NEITHER HAD THEY OBJECTED TO ISRAEL'S REWORDING OF THE PARAGRAPH.

11. I SAID I HAD FOUND THE EGYPTIANS QUITE UNHAPPY ABOUT LAST SUNDAY'S ISRAELI CABINET DECISION ON SETTLEMENTS. KAMEL HAD ISSUED A STATEMENT ABOUT THE ISRAELI DECISION BEFORE I GOT THERE. I HAD TRIED TO PUT THE DECISION INTO PERSPECTIVE BUT WAS NOT SURE I HAD SUCCEEDED. THE EGYPTIANS HAD SAID THAT THE MINIMUM NEEDED WAS A CLEAR-CUT DECISION BY THE ISRAELIS TO FREEZE ALL SETTLEMENT ACTIVITY. I NOTED THAT FOR THE EGYPTIANS THE SETTLEMENT ISSUE IS A VERY EMOTIONAL ONE. DAYAN ASKED IF THE EGYPTIANS MAKE ANY DISTINCTION BETWEEN SETTLEMENTS IN SINAI AND ON THE WEST BANK. I SAID THE EGYPTIAN ATTITUDE IS THEY WILL NEGOTIATE WITH ISRAEL REGARDING SINAI AND OTHERS WILL NEGOTIATE CONCERNING WEST BANK. THEREFORE, THE WEST BANK SETTLEMENTS ARE A MATTER FOR DECISION BY OTHERS. LEWIS POINTED OUT, HOWEVER,
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THAT THE EGYPTIANS SEE SETTLEMENTS IN BOTH AREAS AS PROVOCATIVE.

12. BARAK SAID HE WAS NOT MAKING A PROPOSAL BUT HE WANTED TO ASK WHAT THE EGYPTIAN REACTION WOULD BE TO REDRAFTING THE PALESTINIAN PARAGRAPH TO MAKE IT READ "THE LEGITIMATE RIGHT OF THE PALESTINIAN PEOPLE TO PARTICIPATE IN THE DETERMINATION OF THEIR FUTURE THROUGH TALKS..."

I SAID I THOUGHT THE EGYPTIANS WOULD SEE THAT AS FURTHER
WATERING-DOWN OF LANGUAGE THEY HAD ALREADY
COMPROMISED AND WOULD, THEREFORE, FIND IT
UNACCEPTABLE.
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